

13  
REMARKS

The Applicants have carefully reviewed the Office Action of February 28, 2005. In response the Applicants submit this Amendment. In this document, pending independent claims 1 and 26 have been amended to more clearly patentably distinguish the present invention from the cited art. Specifically, claims 1 and 26 now reference "a resin impregnated chopped and filamentized fiber layer". Support for this amendment is found throughout the specification including, for example, the first full paragraph on page 8 of the specification.

In the Office Action of February 28, 2005, the Examiner notes in section 2 that the admitted prior art (APA) does not teach using a "resin impregnated filamentized fiber layer". He then argues that it would have been obvious to one skilled in the art to utilize continuous filaments in such a layer based upon the teachings of the secondary references to Stoops et al. (U.S. Patent 4,141,929 ) or Grisch (U.S. Patent 4,207,282) in further view of Stotler et al. (U.S. Patent 4,601,741).

As the Examiner has noted throughout the February 28, 2005 Office Action, all the secondary references to Stoops et al., Grisch and Stotler et al. relate to the use of continuous filaments. Further, as the Examiner has so eloquently argued, the secondary references teach or suggest to one skilled in the art to utilize continuous filaments in the SMC of the APA.

14

Significantly, the SMC of the present invention as set forth in amended independent claims 1 and 26 has a structure incorporating "a resin impregnated chopped and filamentized fiber layer".

The chopped fibers of the claimed invention differ from the continuous fibers taught by the secondary references. In explicitly teaching the use of continuous filaments, all of the secondary references actually teach away from utilizing the claimed chopped fibers. It is well established that it is error to find obviousness where references "diverge from and teach away from the invention at hand". (*W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 220 USPQ 303, 311 (Fed. Cir. 1983) and *In re Fine*, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988)).

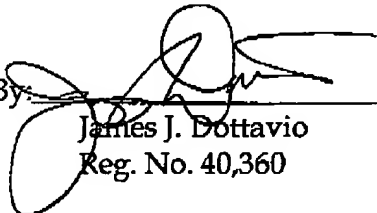
Stated another way, even if the references are combined as argued by the Examiner, they teach the incorporation of continuous filaments into the SMC of the APA and not the presently claimed structure including the incorporation of chopped filamentized fibers. Further, since all of the secondary references explicitly teach incorporating continuous filaments into an SMC, the incorporation of chopped and filamentized fibers as set forth in the present claim is in fact contraindicated by these references. As such, there can be no question but that independent claims 1 and 26 as well as claims 2-7 and 27-44 dependent thereon patentably distinguish over this art and should be formally allowed.

It is also significant to note that an SMC incorporating continuous filaments as suggested by the combined teachings of the references cited by the Examiner won't allow for the desired elongation during the molding process to provide the desired enhanced surface characteristics and finish. In contrast, the structure of the SMC of the present invention incorporating "a resin impregnated chopped and filamentized fiber layer" meets these objectives. Thus, the present invention as claimed achieves a significant beneficial result over the Examiner's proposed combination of the art.

In summary, all the pending claims patentably distinguish over the prior art of record in this patent application. Upon careful review and consideration it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. 50-0568 in connection with this Amendment.

Respectfully submitted,

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